

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

NICHOLAS CANGIANO,
Defendant.

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8:12CR169

ORDER

This matter is before the court on the motion for an extension of time by defendant Nicholas Cangiano (Cangiano) (Filing No. 32). Cangiano seeks an additional six weeks in which to file pretrial motions in accordance with the progression order. The motion will be granted upon the proviso that Cangiano shall file an affidavit in accordance with NECrimR 12.1(a) wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Cangiano's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted as set forth below.

IT IS ORDERED:

Defendant Cangiano's motion for an extension of time (Filing No. 32) is granted provided Cangiano files the affidavit as set forth in NECrimR 12.1(a) within ten days of this order. If such affidavit is timely filed, Cangiano is given until **on or before November 29, 2012**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 15, 2012, and November 29, 2012**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 15th day of October, 2012.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge